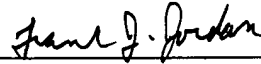


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Osamu MORIURA, et al.	<u>Certificate of Mailing Under 37 CFR 1.8</u>
Serial No. :	10/566,533	I hereby certify that this
Filed :	January 30, 2006	correspondence is being deposited
For :	METHOD AND DEVICE FOR MANUFACTURING SHEET-SHAPED BODY AND METHOD FOR MANUFACTURING DISPOSABLE ABSORBENT ARTICLE USING THE SHEET-SHAPED BODY	with the United States Postal Service as first class mail in an envelope addressed to:
Group Art Unit :	1791	Mail Stop AF, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on October 18, 2010
Examiner :	Kimberly Keil McClelland	 (Signature)
		<u>Frank J. Jordan</u> (Name)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

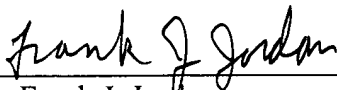
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s), of which no more than five (5) are attached.

Respectfully submitted,

Jordan and Hamburg LLP

By 
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

REASONS FOR PRE-APPEAL REVIEW REQUEST

The Pre-Appeal Brief Conference Pilot program provides a way to, *inter alia*, correct clear errors in an examiner's rejection. The issues presented here are ripe and appropriate for such a procedure, and is whether the combination of cited references, in particular, the claimed invention of claims 1, 2, 5 17 and 19-22, is made obvious by the Lang reference (US 4,994,053) in view of the Packard et al. reference (US 4,851,069) under 35 U.S.C. §103(a), and whether Haubach (US 5,925,439) adequately provides what is alleged as missing in both Lang and Packard et al., so as to properly support a rejection of claims 4 and 15 as obvious under 35 U.S.C. §103(a).

In accordance with both independent claims 1 and 17, a base sheet is held on a receiving and transferring roller face. Powder particles are supplied to a concave groove of a temporary receiving roller face to form a powder particle layer. The powder particles temporarily held in the groove are then transferred onto a base sheet while shifting the powder particle layer held in the groove of the temporary receiving roller face. After such transfer, the base sheet, the powder particle layer and a covering sheet are bonded into an integral form while shifting the covering sheet in a held state on a contact-bond fixing roller face. Applicants respectfully submit that a distinguishing feature of the claims invention of both independent claims 1 and 17 is that the powder particle layer is shifted at a shifting speed that is less than respective speeds of the base sheet and the covering sheet. Claim 17 specifies "a surface peripheral velocity of the temporary receiving roller being less than respective peripheral velocities of the contact-bond fixing roller and the receiving and transferring roller." As was explained in applicants response to the

rejections of these claims, as a result of setting a shifting speed of the powder particle layer to be less than corresponding speeds of the contact-bond fixing roller and the receiving and transferring roller, the powder particle layer being transferred onto the base sheet becomes a linear shape or a blurred pattern in a shifting direction after deposition onto the base sheet (see page 23, lines 8-16 of the substitute specification, and the example illustrated in Figs. 3(e) and 3(f), wherein the speed of particle powder transfer is less than the speed of shifting of the base sheet (blurred pattern in a direction of shifting), as compared to the pattern shown in Figs. 3(c) and 3(d), wherein the speeds of base sheet shifting and the corresponding speeds of the contact-bond fixing roller and the receiving and transferring roller are the same (no blurring)).

The Examiner clearly admits that Lang fails to teach that “a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet and the covering sheet.” (See page 3 of the final Office Action mailed June 21, 2010.

Applicants respectfully submit that Packard et al. fails to adequately supplement this deficiency, and that therefore a *prima facie* case of obviousness cannot be properly established.

Regarding Packard et al., applicants respectfully submit that rotary brush 44 described therein is in no way equivalent to the temporary receiving roller of the claimed invention. It merely functions to gate a rate of flow of particles AP from the hopper 42 (see col.6, lines 10-14), but not a speed of shifting thereof relative to a shifting speed of the base sheet. The Examiner even admits that the teachings of Packard are offered in support of the allegation that “it is known in the art that the deposition speed of the absorbent particles is a result effective variable, which controls the amount of powdered absorbent particles deposited on the substrate

(column 8, lines 14-24, emphasis added).” This statement underscores the Examiner’s failure to properly interpret the language of the claims and the distinguishing effect of the invention, insofar as the claims are specifically directed to altering a shifting speed of the powder particle layer relative to a corresponding shifting direction of the web of the base sheet, and not simply a deposition rate of the absorbent particles. The latter, as alleged to be taught by Packard only effects an amount of particle deposited on the base sheet, whereas the former, claimed subject matter effects a “dragging,” i.e., blurring, of the powdered particles on the base sheet, as they are transferred thereto from the temporary receiving roller.

Because of the nature of the brush 44, it cannot affect a shifting speed of the powder particle layer. The only result effective variable expressed by the brush relates to the rate of discharge of the particles.

Thus, applicants respectfully submit that the Examiner is in error in holding that claims 1, 2, 5 17 and 19-22 are made obvious by the Lang reference (US 4,994,053) in view of the Packard et al. reference (US 4,851,069) under 35 U.S.C. §103(a). Applicants therefore respectfully request that the Pre-Appeal Board overrule the Examiner in her holding of obviousness of claims 1, 2, 5 17 and 19-22.

Since applicants respectfully submit that Haubach fails to provide what is missing in Lang and Packard et al., i.e., setting a shifting speed of a powder particle layer held on a temporary receiving roller less than a corresponding speed of a base sheet to which it is transferred from the temporary receiving roller, as discussed above, it is respectfully submitted that the Examiner is also in error regarding the rejection of claims 4 and 15 as obvious over Lang

(US 4,994,053) in view of Packard et al. (US 4,851,069), and further in view of Haubach (US 5,925,439) under 35 U.S.C. §103(a). Applicants therefore respectfully request that the Pre-Appeal Board overrule the Examiner in her holding of obviousness of claims 4 and 15.

Frank J. Jordan
Reg No. 20,456
10-18-10